HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT APPEAL No:943 OF 2007

Dated: 16.11.2007

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Between:

The Kastala Sand & Boat Workers Co-operative Society Limited, Regn.No.13060, Kastala Village, Atcham Pet Mandal, Guntur District, rep., by President Battula Venkateswarulu. **..Petitioner**

And

Konnuru Sand & Boat Workers Co-operative Society Limited, Konnuru Village, Atcham Pet Mandal, Guntur District rep., by President and others.

..Respondent

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HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&

HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT APPEAL No:943 OF 2007

JUDGMENT: (per Hon'ble Smt. Justice T. Meena Kumari)

The present writ appeal is preferred by the appellant aggrieved by an order, dated 9.10.2007 passed by the learned Single Judge in W.P.No.21389 of 2007.

The appellant herein is the 5th respondent and the 1st respondent is the writ petitioner and respondents 2 to 5 are the respondents 1 to 4 in the writ petition.

The 1st respondent herein filed the above Writ Petition seeking to declare the action of the respondents in seeking to grant Hall Ticket to the appellant herein for the purpose of participating in the Open Sand Auction proposed to be held on 10.10.2007 pursuant to the notification No.988/Sand/2007, dated 19.9.2007 on the file of the 4th respondent and to extend concessional benefits to the appellant herein, as illegal and arbitrary and to direct the official respondents not to allow the appellant to participate in the Open Sand Auction.

The learned Single Judge disposed of the writ petition at the admission stage basing on the memo, dated 8.10.2007. Having aggrieved by the same, the present writ appeal is preferred by the appellant.

The learned Counsel appearing for the appellant contends that basing on the memo dated 8.10.2007, the learned Single Judge disposed of the writ petition without affording any opportunity to the appellant to putforth its case and therefore, the order impugned herein is liable to be set aside.

On the other hand, the learned counsel for the writ petitioner-1st respondent contends that the appellant is a defunct society and according to the memo dated 8.10.2007 also, the appellant is not entitled to participate in the auction and therefore, the order of the learned Single Judge is in consonance with the memo and hence, order impugned needs no interference.

We have perused the entire material available on record.'

As can be seen from the order impugned, it is apparent that the order impugned has been passed basing on the instructions in the memo at the admission stage, without affording an opportunity to the appellant. In this view of the matter and in view of the facts and circumstances of the case, without expressing any opinion on the merits of the case, We feel it appropriate to remand the matter to the learned Single Judge for fresh disposal after affording an opportunity to the appellant to put forth its case.

With the above observation, the writ appeal is allowed setting aside the order of the learned Single Judge and remanding the matter for fresh disposal after affording an opportunity to the appellant to put forth its case. Till such time, statusquo as on today shall be maintained.

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Justice T. Meena Kumari

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Justice G. Chandraiah

Date: 16th November, 2007
Note: Wire at party cost
(BO) Nn/Gurc.

HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT APPEAL No:943 OF 2007

(Order delivered by the Hon'ble Smt. Justice T. Meena Kumari)

16.11.2007

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